# UNIT TWO

# UNDERSTANDING SOCIETY, STATE AND GOVERNMENT

**2.1 Understanding of Society**

The essence of society is defined and interpreted differently by different scholars. As a result, it is not possible to find out common understanding. It refers to a grouping of individuals, which is characterized by common interest and may have distinctive culture and heritages. Society may represent a population that shares the same territory and is bound together by political and economic ties. Culture is a common theme in most definitions of ‘society’. In this case "Society" refers to a particular people in a state; the whole people in a state, such as Ethiopian society; or to a broader cultural group crossing different states such as African Society.

Society denotes a collection of people that makes a regular and irregular pattern of interaction and share culture, language, economic system, political system. Mere collection or gathering of people doesn’t qualify for society unless they have the following common features: live together for long period of time, share common interest and values and share cultural values, traditions and life styles.

Is society a clearly organized entity? Society differs from the state for not being a clearly organized entity. Society is amorphous or complex in its structure and organization. This is to mean that society has no clear institutional arrangement of its own. Is society territorially confined entity? Society is separated from the rest of humanity by cultural and socio-economic linkage. Nonetheless, globalization is making this out dated fact. Globalization is an increased interdependence and interconnectedness among world countries and societies globally.

***Contending perspectives about the origin of society***

There are two contending theories:

**I. Atomistic theory**which is based on an individualist conception of society. It assumes that society is an artifact of individualsconstructed by self motivated individuals to serve their own self interest or personal desires. Society in the perspective of atomistic theory is understood as an artificial creation of individuals without references to embedded entity. Atomistic theory of society implies that society is nothing but a collection of individual units get together to fulfill a certain desires of the respective individuals.

**II. Organic theory\_\_** which is based on analogy of a society to an organism. Instead of being constructed by rational individuals to satisfy their personal desires, society operates as an organic whole and embedded entity which is associated with a living organism. This theory suggests a holistic approach to society emphasizing that society is complex networks of relationships which ultimately exist to maintain the whole. The whole is more important than its parts\_\_\_ individuals. In the perspective of organic theory social structure and social process play pivotal role for existence of society. Social structure is a network of structures or positions, whose interactions are regulated by social norms. For example, family is one of a social structure with normatively prescribed positions, such as father, mother, child, etc, whose interactions are regulated by social norms. Generally, social structure is composed of two interrelated elements: status (specialized position) and role (norms specifying right and obligation linked with the status).

# Understanding the State

State is a politically organized society (refers to population) with a defined territory possessing a legitimate authority to be exercised by its agency (refers to government) being independent from any centre of powers (refers to sovereignty) and for its existence recognized by international community. From this definition there are five basic ingredients of the state which are discussed below as attributes of the state.

## Attributes/Elements of the State

The modern State essentially constitutes the following attributes: in the absence of any of these attributes, the definition of the state cannot be fully understood. These attributes of the state includes: population, defined territory, government, sovereignty and recognition. The birth of modern states could be traced back to 17th C. in Europe known as Westphalia treaty (1648). Most States of the present Europe like England, France, the Netherlands and the like are born from the collapse of the European Empires nearly that time around. On the other hand, in Africa the present modern states, with the exception of Ethiopia and Liberia are the result of decolonization processes that occurred most importantly from the mid to late 20th C.

* **Population**

Population refers to people permanently settling on a definite territory of the state. As far as the state is the (highest form of) organization of the people, population is the necessary element of the state. It is people who constitute what the state is all about, without which it is quite difficult to get the state. Since state is a human association, the first essential element that constitutes a state is the people who are residing (living) within a certain defined territory. No minimum or maximum number is set internationally to constitute the population of a state. How much people should constitute a state? No exact answer to such a question. We have states with a population of more than 1.5Billion as in China and few thousand populations as in SanMarino or Vatican City. At this point, we may appreciate the view of Aristotle that the population of a state should neither be so large that administration may be a problem nor too small that the people may not lead peaceful life.

Another question arises at this point is whether the population of a state should be homogenous or not. It is good that the population of a state is homogenous, because it makes the task of national integration easy. And if the population is heterogeneous it is not necessarily bad. However, in a multi-cultural society, the states need to adopt a political model that can properly handle diversity and resolve potential conflicts with respect to race, religion, culture, etc.

* **Defined Territory**

Territory is another essential element of state referring to an area or a certain portion of earth’s surface, which is internationally delineated or demarcated and on which people of a state are expected to permanently reside. There is no fixed determination of territory on the existence of state. Territory of a state consists of the land bodies, water bodies and their resources, and the airspaces exactly above the area of the state. Territory is the second most essential attribute of modern statehood, i.e. definite portions of the earth’s surface marked off from the portions occupied by population of other states. Modern states do have fixed boundaries within which the state exercises its sovereignty.

* **Government**

Government is the agency or machinery of state which exercises internal and external aspects of sovereignty on behalf of the state. In other words it is very critical part of state without which the existence of state is unthinkable. Since state is an abstract entity, government undertakes both internal and external functions in the name of the state. It is the element that has put an end to the prevalence of chaotic and disordered nature of society. Government is the soul and brain of the state. It implements the will of the society. It protects the people against conditions of insecurity. If state is regarded as the first condition of a civilized life, it is due to the existence of a government that maintains law and order and makes ‘good life’ possible.

* **Sovereignty**

The other essential element of state is sovereignty which is of two kinds: internal and external. The word "Sovereignty" denotes supreme and final legal authority, above and beyond which no further legal power exists. Jean Bodin defined sovereignty as the supreme authority of the state to legitimately exercise the overall its matters within its jurisdiction. It means that the state is not subject to any centre of power inside or outside itself. At the same time the authorities and functions of a state are confined to the boundary of that state. For example, the authorities and functions of the Ethiopia as a state are limited to the Ethiopian territory, not, in the territory of the Sudan, Djibouti or any other country. At least in principle, no state is an authority over other state. Thus, sovereign state determines its own form of government, economic systems, domestic and foreign policies. It also decides on all other matters of its own. This is done, however, in due attention to international norms. There are international norms and conventions that should be respected by states in determining their own affairs. It has two aspects: internal and external.

1. **Internal Sovereignty**: refers to a state’s government and not any other state decides how it will manage its own domestic affairs, and formulates its own laws and rules. In other words, it means that inside the state there can be no other center of authority that may claim equality with the state.
2. **External Sovereignty**: In the external sphere, the country/state should be free from foreign power control of any kind. The state’s right to define its interests and what its objectives are to be, priorities among these objectives should not be compromised by any foreign power agent. It is, however, a different matter that a state willingly accepts some international obligations in the form of membership of the United Nations or the African Union. The existence of sovereign authority appears in the form of law. It is for this reason that the law of the state is binding upon all and its violation is visited with suitable punishment. It is universally admitted that a sovereign state is legally competent to issue any command, which is binding upon all citizens and associations in the land of the state.

* **International Recognition**

It is external acceptance of a newly emerging independent state by other states. But this is not absolutely necessary but supplementary to statehood. Considering political and trade advantages being recognized is so vital for a certain state to join different Unions and have business interaction. Owing to political or else factors states may recognize may deny recognition. Recognition may be expressed in different ways both formally and informally. For a political unit to be accepted as a state with an “international personality” of its own, it must be recognized as such by a significant portion of the international community. It follows that a state, has five essential elements. As such, a proper definition of state should include its concrete and spiritual elements. It is also required that all the five elements should be studied in the order given above.

## Theories on the Origin and Development of State

In this section we will be looking into theories of state origin and development. There are contending theories on the evolution/origin of state as discussed underneath. The emergence of state is linked with a certain level of development of human society. Obviously, since that level of development, human society has maintained an organized existence. In this regard, various *historical, archeological and anthropological* studies indicate the existence of organized societies since the beginning of human history at least in their rudimentary forms. Such rudimentary societies include the family, the clan, the tribe etc. These crude forms of organizations of antiquity had several similar features and roles with that of the states of modern times. However it should be noted that the exact nature of the origin of state is not yet precisely known and continues to be a subject for scholarly discussion and debate.

### The Divine Right Theory

The Divine Right theory is perhaps the oldest of all the theories on the origin of the state. This theory claims the state is a creation of divine will. In this sense, the state is created by God with a deliberate and direct act of creation with a particular end. Peace on earth is achievable for human being only with state creation. Thus, the state is seen as an institution created by God for good, and rulers were regarded as God’s own representatives or agents on earth. It is of God’s will that in human society some are born to rule while others are born to be ruled. Furthermore, the theory asserts that the social order, in which the position of the individual is determined on the basis of hereditary succession was God given and thus it is legitimate and unchangeable. This theory served as justification for the power of the feudal emperor’s of Europe during the middle ages and in other areas where feudalism predominated including Ethiopia until 1974. This theory however, neglects the historical fact that the reality of politics and state structure are not only the creation of human interactions and relations but also highly dynamic. As a result of the advancement of education, science and reasoning, this theory has lost its credit in modern times.

### Natural Theory

While divine right theory is a matter of faith or religious form, the genetic theory is based on sociological facts. Here the argument is that state is an eventual extension of the family. The first group of collective human life is the family or the house hold, the last is the state. The earliest advocate of this theory is Aristotle in whose view: a society of many families is called a village, and a village is most naturally composed of the descendents of one family. When many villages so entirely join themselves together as in every respect to form one society, that society is state. It is certain that family is the first unit of social development. Historians of ancient law and early institutions have sought to study the subject of family, its composition, residence of authority in the family and its growth into the clan or tribe and eventually into the state.

If viewed from the stand point of sociology, the genetic theory on the origin of state makes sense. It is not hypothetical like the theory of divine right. But the point of criticism is that it stands on social hypothesis rather than political hypothesis. The whole attempt is to demonstrate the process- first of household, and then elder male ruled family, then a tribe of persons of this family descent and finally the state. Natural theory/ genetic theory argue that state is created by the gradual process of small settled human organizations. The ancient Greeks viewed man as inseparable from the state. They considered the state not only a necessity for human survival, but also a means whereby man could achieve the "good life". Aristotle declared that man was "by nature a political animal" who could fulfill himself only through the state; man outside the state was, indeed, not a man at all, but either a god or a beast.

### The Force/Conquest/Expansion Theory

According to the force theory the state is neither a creation of God, nor a result of a gradual social development. It is primarily the consequence of the forcible subjugation through long continued warfare among primitive groups. That means the state is the result of wars and conflicts that have been endemic in the history of human beings. From the beginning of human history there has always been a struggle among different social groups to achieve economic advantages the strong conquering the weak. Ultimately, these wars of conquest resulted in the occupation of more and more territories and led to the rise of states.

Hence, by this theory the state is primarily seen as an entity created by the use of physical force. In other words, the state is created through a process of conquest and coercion of the weak by the strong. Hence military power and physical strength of a society is considered as to be of great importance for the creation and consolidation of the state. For this theory “war makes the state and the state makes war.” Moreover, it heavily relies on force/might and says “might is right.” The force theory has its own weakness. Force may be one of the factors but it cannot be treated as the only factor in the origin of state, military power and physical force alone cannot explain the complex phenomenon of socio-political systems.

### The Social Contract/Consent Theory

The social contract theory holds that state is an artificial creation based on voluntary agreement or contract among people. The theory was originated and developed in the 16th, 17th, and 18th centuries. Its starting point is a hypothetical *“State of nature”* or a human condition that prevailed in the absence of authority. According to Thomas Hobbes, one of the advocates of this theory, the state of nature was a very horrible condition in which man was the enemy of man. Man being a selfish, egoistic, brutal and aggressive creature is free to defend himself either by running away from the scene or by killing his enemy individually or in group with others. There was nothing like safety, peace, security, order, property, justice, etc and anything what we find now in a state. There is all but fear and danger of a violent death in the state of nature.The **“***law of nature”* informs man to be in competition with others and so invade others for some gain and other evil things. In short, life of man was solitary, nasty, poor, brutish and short. So to terminate the state of nature, contract is made by the people. Hobbes argues, law of nature informs the people to surrender their all natural rights in favor of a man (assembly of man) as the price for living in an institution that ensures them liberty, property, and the entire of a good life.

In sharp contrast to the divine right theory, social contract theory developed its argument from the doctrine of popular sovereignty. Thus, according to this theory, since the state is established by the consent of the people, its main purpose is to protect and safeguard people’s inalienable rights such as the right to life, liberty and property. The social contract theory was further developed in the age of revolution in the fight against the rule of absolute monarchies. The major proponents of the social contract theory were the British political thinkers **Thomas Hobbes** (1588- 1679) and **John Locke** (1632-1704), and the French thinker **Jean Jacques Rousseau** (1712- 1778).

### The Marxist Theory

The key proponent of this theory is Karl Marx. This theory claims that the state emergence is due to warfare within a society: this is more of intra-societal conflict carried out between classes. Particularly, Marx popularized this view by analyzing the state as an agency of class warfare by which the capitalist classes control the working classes. In other words, the state was originated from the split of society into social classes with sharp and polarized economic interests. In other words, the rise of the state and government is, directly related with the emergence of private property and the need to safeguard it. Marx tried to explain how state emerges and its gradual development by analyzing the contradiction in capitalist society which constitutes bourgeoisie (owners of means of production) and proletariat (the working class lacking means of production). According to Marx, the capitalist state is the state of bourgeoisie which never represent all.

According to this theory, the state arose as a matter of necessity when society was divided into two hostile classes, each having its own interest. The origin of state, therefore, should be treated in the fact of class antagonisms. With the invention of agriculture and creation of private property, the dominant class came into being by virtue of being the owner of the means of production. It required some authority (the state) to protect its interests that lay in the exploitation and oppression of the class having no ownership of the means of production.

Simply it means primitive society that had no private property and class had no state either. In those primitive times relation between people were regulated by social norms. The further development of the productive forces led to the disintegration of primitive society. Private property appeared, accompanied by classes--slaves and slave owners. It becomes necessary to protect private property, the rule and security of its owners, and this brought the state into being. Therefore, the state is the product of a classed society. Thus, state is not something introduced into society from the outside, but it is a product of societies internally developed.

The whole argument about the essence of state in the Marxist perspective is that the state is a historical phenomenon created after the development of class based society due to private ownership of property. The state came into being with the rise of class contradictions, so it will **wither away** with the end of class antagonisms. Thus, the proponents of the Marxist theory believe that with the historical process of disappearance of private property and antagonistic social classes, the state disappears, too. Consequently, communism an envisioned social system, where everybody would be equal and all would have what they want, would prevail. Although its proponents and followers struggled to realize the visions of communism for almost two centuries neither equality for all nor fulfillment of wants has been materialized.

### The Evolutionary Theory

The evolutionary theory is like a rejection as well as a synthesis of the key elements of all the theories on the origin of state as discussed above. It emphasizes two important points. First, the state is not a making but a growth. It is a result of a very long evolution covering hundreds and thousands of years. Second, not one but many factors have played their part in state building. Thus, state is neither a handiwork of God, nor a result of a superior physical force, nor a creation of a social contract, nor a more expansion family system and the like.

* 1. **Contending Views on the Role of the State**

In this section we are about to look into the role and function of the state. What are the roles and functions of the state? What functions or responsibilities should the state fulfill and which ones should be left in the hands of private individuals?

There is a bone of contention on what the exact role and function of the state should be, and the right balance between the state and private businesses. Based on differences in states role and function we can identify different types of states:

**I. Minimal States/ Laissez-faire States**

Minimal state is the ideal of liberalism, whose aim is to ensure that individuals enjoy the widest possible realm of freedom. The state is merely a protective body, its core function is to provide a framework of peace and social order within which citizens can conduct their lives as they think best i.e. protecting individuals from encroaching the rights and liberties of others. The famous philosopher John Locke said that the state act as ‘*a night watchman*’ whose service is needed only when peace and order of the country is threatened to restore peace and order, and justice.

The institutional apparatus of a minimal state/*laissez-faire state/* is confined to own a police force, a military for defense purpose, and a court system for justice delivery. Economic, social, cultural, moral and other responsibilities belong to the individual and civil society. In economic perspective, free market and privatization is fundamental principle. No state regulation of market is allowed. No state ownership is encouraged rather privatization is justified for efficiency and avoidance of corruption. From the view point of social equality, no adequate attention is given to group rights. It gives room for individual rights than group rights. It assumes that if individual right is protected no need of paying attention for group rights. Individual/civic right is a priority for liberal states than group rights. A minimal state performs the following core functions.

* Maintenance of domestic peace and order
* Insurance of individual rights and freedoms
* Exhortation from market interference nationalization of private resource
* Provision of custody/ guardianship to the constitutional principles
* Defense provision against external attack

**II. Developmental States**

A developmental state is one that intervenes in the economic life with the purpose of promoting industrial growth and economic development. This doesn’t amount to state control of everything as in the case of socialist state rather an attempt to construct a partnership between the state and the major economic interests or private businesses, which is, therefore, a compromise between a minimal state and a socialist state principle. What does that mean? It means that a moderate free market and privatization is allowed. The classic example of a developmental state was Japan during 1868- 1912, and recently South East Asians such as Thailand, China, and Malaysia. Ethiopia falls into the developmental states category for the state exclusively controls vital public resources such as land, Telecommunication and Electricity, air aviation, and takes the lead in building public infrastructures including mega projects railways, highways, and hydropower. The role the state in the economic development endeavor is immense in Ethiopia. Local and global private businesses are allowed to take part in the development process of the country side by side with the state. But private businesses are not allowed to control everything on the basis of completion in free market principle as in minimal states recommend. Developmental states tend to be protectionist to safeguard globally incompetent local businesses employing different protectionist tools such as quota, subsidy, and import tariff, currency regulation to encourage local businesses grow faster and stronger so that they will be competent with global businesses.

**III. Social –Democratic States**

A developmental state practices interventionism is primarily to stimulate economic progress. And social democratic states intervene to bring about broader social restructuring usually in accordance with the principle like fairness, equality and social justice. The key to understanding the social-democratic state is a shift from a laissez-faire state of classical liberal thought to a welfare state/ neo liberal thought. It is seen as a means of enlarging liberty and promoting justice. Rather than laying down the conditions of orderly existence, the social democratic state is an active participant, helping in particular to rectify the imbalance and injustice of a market economy. Social – democratic states tend to lessen wealth gap between classes and bring about equitable distribution of wealth. It tries to eradicate poverty and reduce social inequality.

The Twin Features of social democratic state are therefore *Keynesianism and social welfare*. The aim of Keynesian economic policy is to manage and regulate capitalism with a view to promote growth and maintaining full employment. Keynesian strategy involves demand management through adjustments in fiscal policy; entail the element of planning that is, in the levels of public spending and taxation. The adoption of welfare policies has subsequently led to the emergence of welfare states, whose responsibilities have extended to the promotion of social well-being and social justice amongst citizens. Social-democracy is dedicated to the principles of individual empowerment. Scandinavian states such as (Norway, Sweden, Finland, and Denmark), Australia, and the Netherlands are some examples of social-democratic states.

**IV. Socialist States**

While developmental and social democratic states intervene in economic life with the purpose of guiding or supporting a largely private economy and bring about social justice, collectivized states bring the entirety of economic life under state control. Socialist states sought to abolish privet enterprise altogether, and set up centrally planned economies administered by a net-work of economic ministries and planning committees--command Economies. The justification for state collectivization stems from the intent to avoid private ownership of property replacing by common ownership of property and thereby bring about classless society into existence. The best examples of such states were in socialist countries such as the USSR and throughout Eastern Europe. The socialist states were inspired by the ideology of Marxism Leninism which was popular in the Cold War Era (most importantly 1958-1991). However, these days the ideology of socialism and socialist states turn off and made paradigmatic shift into the neoliberal thinking.

## The State Structure

State structure refers to forms of the state indicating the nature and distribution of power and responsibility at various tiers of the government. Here, in view of the nature and distribution of political power and responsibility, one may broadly classify states into two structures: namely, unitary and federal states. In other words state structure refers to state forms on how powers and responsibilities are distributed at various levels. Classification about the forms of state is related to structure and distribution of state power. In history, commonly practiced forms of state structure are unitarism and federalism. Unitarism is a form of state structure characterized by power concentration and indivisible sovereignty. The national government is legally supreme over sub-national territorial bodies or units. In other words, a unitary state is one in which no other governmental bodies but the central government has constitutionally guaranteed legitimate power. In a unitary state, sub national bodies have no constitutionally guaranteed authority and are ultimately subordinate to the central government for any political decision they make out.

In unitary government, there is only one source of authority whatever local territorial units exist. Local units are merely agencies of the central government established for its convenience in local administration. Their power may increase, diminish or their legal existence end up by the centre.

## Essential Features of Unitary State Structure

Distinctive features of a unitary form of state structure include the following:

* **Supremacy of the Central Legislature/Parliament:** In unitary system, there is legally recognized a central level law making body. Because the centre is legally supreme over the local governments, the central unit is the sole law making authority all over such a country.
* **Absence of subsidiary autonomous bodies:** Subsidiary legislatures might exist when represented by the central government. However, the very existence of the sub national units is contingent to the will/ discretion of the central government. The central government can not only draw, redraw or abolish boundaries of the sub national units but also can offer or revoke the powers and responsibilities of the sub national units any time deem necessary. Sub national bodies i.e. regional and local bodies can be reshaped, reorganized and even abolished at will of the central government.
* **De-centralization and Recentralization of power by the discretion of the central government:** This is to mean that power may be decentralized to the sub-national bodies by the good will or discretion of the central government. Therefore, it is worth noting that unitary system is not necessarily a centralized system; it can be a de-centralized system as well.

A majority of states in the world are unitary systems. But there are great differences among these unitary states in the institutions and procedures through which their central government interact with their territorial sub-units. Unitary government does not necessarily mean highly centralized government. Sub-national units can be granted some kind of autonomy by national government, which has the legal authority to take it back at any time it wishes. The degree of local autonomy varies from state to state; for example: in Britain (United Kingdom) the statutes of parliament (laws made by the parliament) have created local governments so that local people may manage their local affairs. The actions of local councils are not interfered unless they overstep the legal boundary. In France, on the other hand, council of departments and communes are subject to constant detailed supervision by central authority.

**The followings are the merits of unitary system**

* **Organizational simplicity**: unitary state structure does not have excess of governmental tires and staffs, because the central state by and large controls local affairs. It is advantageous to a country with relatively small territorial size.
* **Favoritism of uniformity**: a unitary system encourages political, economic, social, cultural and administrative uniformity. Uniformity of laws and policies can be maintained throughout the state. It is advantageous to a country with relatively homogenous population.
* **Cost effectiveness:** In unitary systems there is no duplication of institutions, services and civil servants because powers and functions are centralized; and subsequently not only it avoids conflict of jurisdiction that may arise in a complex governmental organization but also minimizes the recurrent expense of the system.

**The Demerits of Unitarism are as follows:**

* There is relatively greater potential for the development of autocratic government due to power centralization. Unitarism may facilitate the development of central bureaucracy by overloading the national legislature with numerous local matters.
* This, however, is not to mean that unitarism necessarily leads to undemocratic form of government because state structure *per se* cannot ensure/guarantee democracy for a state.
* There is a possibility of inconsideration of local affairs that could have been done locally. The system leaves authorities far-away localities and may lack adequate knowledge of local conditions to the determination of policies and the regulation of matters, which may concern only the localities affected. So, it is less responsive to local needs and interests.
* It doesn’t give chance for diversified laws and policies to apply for those states which have diversity. I.e., it restrains the self-governance and self–determination rights of the sub national bodies/units. Since uniform administration is typical to unitary system, if a section of a society demand for self-experimentation, unitary system gets incompetent.
  1. **Federal State Structure**

Federal state structure or federal system is the system in which a constitution provides for a separation of powers between the federal state and its constituent states. The federal government is not the source of power. It is the federal constitution which is supreme and the source of power allocation between the federal and sub-national states.

**Essential Features of Federal State**

* The federal government is not a supreme body over the sub-national states in every matter except over those affairs constitutionally entrusted.
* Federalism is a compromise between shared rule and self rule. While shared rule implies the powers and responsibilities of the union (federal government), self-rule denotes the powers and responsibilities of the member states of the federation.
* In federal system unlike unitary system, power is shared. The federal government cannot legitimately claim to exercise all powers in domestic affairs. In the jurisdictions of the regional states given by the constitution, the final and binding decision making authorities are the mandate of the regional states themselves not of the federal government.
* For a federal system to be practical there should be a written constitution which serves as the supreme law of the land and from which both the union/federal/shared-rule unit/ and constituent units/ regional states/self-rule units/ derive their respective authority.
* Interpretation/umpiring of the provisions of the constitution also named judicial review. In federations such as USA, judicial review power is the Supreme Court’s authority. In Germany there is a specially devised court Constitutional Court. In Switzerland, whenever constitutional dispute arises, referendum takes place. With respect to constitutional interpretation, Ethiopia is unique in that such an authority is mandated to the upper political chamber of the parliament—the House of Federation. House of Federation is the representative of the Nations, Nationalities, and Peoples of Ethiopia which are the sole authors and owners of the constitution and the federation itself. As a result, the power of judicial review is vested in the House of Federation.
* Finally, constitutional amendment procedure is a vital point to mark. The constitution of a federation cannot be amended by the will of federal legislature alone. It requires the consent and participation of the member states. Constitution, which is the base for federal system, is amended by the consent and participation of the federal government and regional governments. Thus, rigidity than flexibility is manifested in federal constitution.

**Rationales for opting federal state structure over unitary state Structure include:**

* **Increased population and territorial size:** When a country’s territorial and demographic size gets larger, it will be hardly accessible and controllable by the central state. Hence, federalism will be suitable political system to handle such problems.
* **The need to accommodate diversity:** accommodation of diversity is one of the driving forces to the establishment of federalism in most of federations. I.e. internally if there is significant quantity of diversity unless it is wisely accommodated would end up a source of conflict. As a proactive measure or reactive measure federal political model has been employed across nations of the world with the intent of conflict management. The nature of diversity could be explained in terms of religion, ethnicity, language, history, or any other cultural aspects. An actual conflict or a potential threat/fear of religious and ethnic diversities not to lead to conflict calls for desirability of federalism as a means to conflict deterrence. However, it federalism is not a panacea for every problem it can address old problems and at the same time induces new problems. Externally, for a better defense and economic cooperation function, installing federalism becomes desirable as well.
* **Response to quest for autonomy:** Post-modernist thinking challenged the liberal state glorifying difference and particularistic identity, fragmenting the political community into self-sufficient groups. The struggle is no longer over new territory, but over the internal division of state territory, and with it the diffusion and fudging of sovereignty. The principle of self-determination is turned from quest for secession to autonomy. Hence, federalism derives from the imperative to accommodate diversities and plurality of identities, captured in the cliché of ‘unity in diversity.’ The demand for autonomy to maintain diversity offers a special appeal for the federal political order than its counterpart. A democratic federalism has the merit of offering local experimentation, efficiency, co-ordination, residential self-selection. Federalism has the merit of shielding abusive government. Competitive market protects consumers against monopolistic exploitation, and competitions among political parties protect voters from the oppressive one-party regime so does competition among the federal government and the sub-States protect citizens against government tyranny. Federalism is not only a de-centralized system but also a non-centralized system which always constitutes at least two centers of authorities.

***🖝*The demerits of federalism on the other hand are as follows:**

* May result in jurisdictional confusion and conflicts of laws and policies.
* May be expensive due to its duplicated system of legislation and administration.
* May facilitate for emergence of factions and local tyranny unless strong democracy built.
* In the absence of democracy and economic stagnation federalism is unlikely to succeed.

## . Understanding Government

Government in simple term refers a group of individuals and institutions authorized to formulate public policies and conduct the affairs of the state. It is the most important elements of state which acts on behalf of the state. As a result, the decisions and actions of the government are final and binding that governs the activities of every citizens.In democracy government comes into power through election or consent of the peoples. But in undemocratic systems, the source of government power could be either force or claim of divine power or tradition. Military governments relay on force or coercion to govern the people.

* **Branches of Government**

Government is not a monolithic entity. It has different institutions. The main institutions are termed as the Executive, the Legislative and the Judiciary. More often these three institutions are termed as organs or Branches of modern government. The roles and responsibilities of each organs of government is separated to the extent that one branch of government can check the power of the other. The reason to have separation of power is manifold. Firstly, separation of power ensures the possibility of power monopoly in the hands of a person. Secondly, it ensures not only justice but also ensures accountability to prevail among branches of a government. For example, Executive branch is accountable to legislative for its assignment of responsibility.

* + - 1. **Legislative branch*:*** represents the body which is entrusted with law making. In this regard, this institution could be mono-cameral assembly or bi-cameral assemblies. Among many others, the principal functions of the legislative branch include:
* **Statute making/ Legislation**. The concept of statute making is more accurate to describe what the legislature actually does the law making.
* **Representation of citizenry**: Assemblies/Parliaments play an important representative role in providing a link between government and the people. Thus, the people (the governed) are usually represented in the legislative branch of government.
* **Control of administration**: The legislative body plays pivotal role in supervising the executive to administer by implementing the laws and decisions passed by the legislative.
* **Approval function**: the legislative body has approval role in most executive policies.
* **Constitutional amending**: The legislative body of the government can play or have the function of constitutional amending. But, how to undertake the constitutional amending may vary from country to country having various state structures. For example, in a federal form of state structure, the constitutional amending is carried by a joint agreement between the federal and regional government by following a certain set of procedures.
* **Electoral and deposing functions**: The legislative body plays the function of electing the Prime Minister in a parliamentary form of government. In addition they also play voting on motion of “no confidence” to reelect and defeat the incumbent prime minister, etc. Added to this is that, in a presidential system, the legislative body plays the role of removal the president by the principle of impeachment.
  + - 1. **The Executive Branch**: It is the body which executes, enforces, or administers policy within a state. There are two important points to make here. First, we need to distinguish between the political executive, those politicians who hold the office of the executive-prime minister, ministers…and the non-political executive or the civil service. In its broadest sense, the executive is the branch of government responsible for the implementation or enforcement of laws and policies made by the legislature. In its coverage, the executive branch extends from the head of government to the members of enforcement agencies such as police and the military, and includes both ministers and civil servants. However, more commonly, the term is now used in a narrower sense to describe the smaller body of decision-maker who take overall responsibility for the direction and coordination of government policy.

The executive is the irreducible core of the government. Political systems can operate without constitutions, assemblies, judiciaries and even parties, but they cannot survive without an executive branch to formulate government policy and ensure that it is implemented. This is the potential power of the executive that much of political development has taken the form of attempts to check or constrain them, either by forcing them to within a constitutional framework, or by making them accountable to popular assembly or democratic electorate.

* **Powers and Functions of the Executive:** In its simplest forms, the chief function of the executive organ is to execute or implement laws, order, decisions, regulations, and the like that are enacted by the legislative branch. Such function also covers prevention of violation of laws and the proper punishment for law-breakers, in turn maintaining peace and good government in the country. Hence, these roles extend over a variety of areas and this means that the members of the executive have to carry out several powers and functions.

The most important functions of the Executive organ include the followings:

* + **Enforcement functions**: The core chief function of executive body is to enforce all laws, rules, decisions made by the legislative body and the judiciary body (court’s decision).
  + **Formulation and execution of administrative policy:** The executive body exercises policy formulation and allocates funds to various public activities.
  + **Control of military forces:** The executive branch has the power to determine how and where the military discharge its role in defending the state security.
  + **Control of foreign relations:** The executive branch is in charge of foreign relations.

##### **The Judiciary branch:** This is the third important branch of government which is supposed to be independent from other government branches. It is the body in charge of interpreting or adjudicating of laws. This organ should be autonomous from intervention of the legislature and the executive. Accordingly, the major powers and functions of the judiciary organ may include the following areas:

* **Adjudication**: the first and for most function of the judge is to administer justice. They hear and decide cases, such as civil, criminal and constitutional, in the light of the argument given by the concerned parties. To a large extent, the courts are regarded as the defender of the rights and liberties of the people. In states having written constitutions, courts are also entrusted with power of interpreting the fundamental law the land/country, that is, the constitution. However, there are differences among federal states in empowering the power to interpret the federal constitution. For example in Ethiopia it is not the federal Supreme Court, but the House of Federation.
* **Formulating case law:** Case law is developed where judges must decide how a law, whether common or statute, should apply in a particular case. This kind of law is often referred to as judge-made law because the interpretation is made by the judge in each case and becomes binding on all other courts.
* **Protection of individual rights:** The judiciary body has great role in protecting the constitutionally guaranteed rights of individuals mainly through the process of due process of law. For example the judiciary plays a great role in the protection against unreasonable or arbitrary laws and procedures by the government and its institutions at any level.
* **Judicial Review:** another significant function of the courts, particularly of the high and supreme courts, is to look into constitutional validity of the legislative measure and executive action, and then declare it sound or invalidate if it goes against the fundamental law of the land. This is known as power of judicial review. That is, the power of the judiciary to review laws, decrees, and actions of other branches, to declare them invalid.

## Systems of Democratic Government

On the basis of the powers and relationships of the executive and legislative arms of government, there are chiefly two systems of governments. These are Parliamentary and presidential forms. U.K represents the model of parliamentary form of Government. In U.K and other countries that follow the parliamentary form of government, the parliament is the locus of power which means it is the supreme political body. U.S serves as blueprint for Presidential form of government. Here the president does have significant power than anybody else.

* **Characteristics of Parliamentary government**
* There are Head of the Government and Head of the State. The head of the government has real executive power. The head of the state may be either appointed president as in Ethiopia or a constitutional monarch as in UK.
* The head of the government is the prime minister and the prime minister is the one who is, in most cases, the chairman of the party or parties which won the election
* The head of government nominates the ministers and higher officials-cabinets
* The councils of Ministers, including the prime minister is individually and/or collectively accountable to the parliament
* Ministers can be usually members of parliament
* The party or coalition of parties that won the majority seat in the parliament forms the government in-charge of state policies constituting councils of ministers.
* Parliament is the locus of political power in the political system
* The legislative body may have the power to undertake “vote of no confidence” against the Prime minister to remove in power before the term office reached.
* **Characteristics of Presidential form of government**
* The president acts as head of the state and head of government. The president is the locus of power
* The president is directly elected by the people
* the president forms the council of ministers, in the case of U.S, the head of department
* Members of the congress are not eligible for office in the administration
* President and the head of departments are not directly accountable to the congress
* The executive is directly responsible to the electorate than to the congress
* The congress may have the power to undertake “impeachment” against the president to remove away from power before the term office reached.
* A key feature of the system is that there is clear separation of power between executive and legislative bodies.
* **Hybrid Systems**: There is a third form, which is conceptualized as in the mixture of the two systems of government. Classic examples of hybrid system include France and India. The key characteristic here is that the existence of both president and a Prime Minster endowed with or sharing real political power often on the basis of domestic-foreign power division.

## The difference between state and government

Some of the principal difference and relationship between state and government include:

* The state is more ‘*extensive*’ than government. The state is inclusive association that encompasses all the institutions the public realm and embraces all the members of the community (in their capacity as citizens). Here Government meant is part of the state.
* The state is relatively *continuing permanent entity*, Government is *temporary.* Government comes and goes, and systems of government can be reformed and radicalized.
* Government is the *means* through which the authority of the state is brought into operation. In making and implementing state policy, government is ‘the brain’ of the state, and it perpetuates the state’s existence.
* The state exercises *impersonal authority*. The personnel of state bodies is recruited and trained in bureaucratic manner and usually expected to be politically impartial, enabling state bodies to resist the ideological enthusiasms of the government of the day.
* Government is concrete whereas state is abstract to human beings or society.